



## **I. BACKGROUND AND NATURE OF THE CASE**

1. Plaintiff filed this action on December 18, 2017, alleging violations of the Fair Credit Reporting Act. The matter was filed in Tulsa County, which is located within the Northern District of Oklahoma.

2. Defendant was served on December 27, 2017. A copy of Plaintiff's Petition and Summons is attached hereto as Exhibit 2.

3. This is a civil action over which this Court has original subject matter jurisdiction in accordance with the provisions of 28 U.S.C. §§ 1331. According to Plaintiff's Petition, its claims arise from the alleged violation of federal law. Specifically, it alleges violations of the Fair Credit Act.

4. While not specifically pled, to the extent Plaintiff intends to bring any state law claims, this Court would have jurisdiction over those claims pursuant to 28 U.S.C. §§1367(a).

5. Defendant first received Plaintiff's Petition on December 27, 2017. This Notice of Removal is filed within thirty (30) days of the date Defendant first received the initial pleading and summons, and thus, is timely filed under 28 U.S.C. § 1446(b)(1).

6. As required by 28 U.S.C. §1446(d), written notice of this Notice of Removal is being filed this same day with the Clerk for the District Court of Tulsa County, Oklahoma.

7. In accordance with LCvR 81.2, Fed.R.Civ.P 81 and 28 U.S.C. §1446(a) copies of all process and pleadings previously served upon Defendant, including a copy of the Tulsa County docket sheet are attached hereto as Exhibits 1 and 3.

8. There are no motions pending in the Tulsa County District Court matter, nor are any hearings currently set.

### **V. CONCLUSION**

All conditions and procedures for removal have been satisfied. In conjunction with this Notice of Removal, Defendant is providing the Clerk with: (1) a completed Civil Cover Sheet; (2) copies of all documents filed in the state court, along with a copy of the state court's docket sheet; and (3) a Certificate of Interested Persons, which includes a list of all counsel of record.

**WHEREFORE, PREMISES CONSIDERED,** Defendant John C. Heath, Attorney at Law, L.L.C d/b/a Lexington Law Firm, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, files its *Notice of Removal* in accordance with the Court's guidelines, thereby removing this action for trial from the District Court of Tulsa County, State of Oklahoma, to this Court. Plaintiff is hereby notified to proceed no further in the State Court Case unless by Order of the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

**McDANIEL ACORD, PLLC**

/s/ Gregg J. Lytle

Gregg J. Lytle, OBA #20759 ([glytle@ok-counsel.com](mailto:glytle@ok-counsel.com))

Rhiannon K. Baker, OBA #22748 ([rbaker@ok-counsel.com](mailto:rbaker@ok-counsel.com))

9343 E. 95<sup>th</sup> Ct.

Tulsa, Oklahoma 74133

Telephone: (918) 382-9200

Facsimile: (918) 382-9282

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

It is hereby certified that on the 16th day of January, 2018, a true and correct copy of the above and foregoing document has been served via certified mail return receipt requested upon the following counsel of record:

Chris Knight  
5314 South Yale Avenue, Suite 150  
Tulsa, Oklahoma 74135

/s/ Gregg J. Lytle

**GREGG J. LYTLE**